

WISCONSIN
FEDERAL HIGHWAY ADMINISTRATION
PROGRAMMATIC SECTION 4(f) DETERMINATION AND APPROVAL
UNDER THE
NATIONWIDE 4(f) EVALUATION FOR
MINOR TAKES OF PUBLIC PARKS,
RECREATION LANDS AND WILDLIFE AND WATERFOWL REFUGES
(DECEMBER 23, 1986)

Description/Location of Project:

Federal Project Number:

WISDOT ID: 2290-03-03

Route: STH 38

Termini: CTH K to Oakwood Road

County: Racine and Milwaukee (Section 4(f) resource is in Milwaukee County)

Name of Resource: Root River Parkway and Oak Leaf Trail

Consult the Nationwide Section 4(f) Evaluation as it relates to the following items. Complete all items. Any response in a shaded box requires additional information prior to approval. This determination will be attached to the applicable EA, FONSI or Categorical Exclusion.

Eligibility Criteria		YES	NO
1.	Is the 4(f) site adjacent to the existing highway?	X	
2.	Does the amount and location of the land to be used impair the use of the remaining Section 4(f) lands, in whole or in part, for its intended purpose?		X
3.	a. If the total 4(f) site is less than 4.05 ha (10 acres), is the land to be acquired/used less than 10% of the total area? b. If the total 4(f) site is from 4.05-40.5 ha (10-100 acres), is land to be acquired/used less than 1 acre? c. If the total 4(f) site is greater than 40.5 ha (100 acres), is the land to be acquired/used less than 1% of the site?	X	
4.	Are there any proximity impacts which would impair the use of the 4(f) lands for their intended purpose?		X
5.	Have the officials with jurisdiction over the Section 4(f) lands agreed in writing with the assessment of impacts of the proposed project on, and the proposed mitigation for the Section 4(f) lands?	X	
6.	Have Federal funds been used in the acquisition or improvements of the 4(f) site? <i>Federal transportation funds used for bike trail construction. No LAWCON funds used for trail construction or property acquisition</i>	X	
	If yes, has the land conversion/transfer been coordinated with the appropriate Federal agency, and are they in agreement with the land conversion or transfer?	X	
7.	Does the project require the preparation of an EIS?		X
8.	Is the project on a new location?		X
9.	The scope of the project is one of the following: (indicate one in Yes-box) a. Improved Traffic Operations b. Safety Improvements c. 4R d. Bridge Replacement on Essentially the Same Alignment e. Addition of Lanes	X	

Consult the Nationwide Programmatic Section 4(f) Evaluation for the generic reasons that might be addressed. The evaluation of alternatives for the subject project, however, must quantify those reasons as applicable and be supported by the circumstances of the project.

Alternatives Considered		YES	NO
1.	The "Do Nothing" alternative has been evaluated and is considered not to be feasible and prudent?	X	
2.	An alternative has been evaluated which improves the highway without the use of the adjacent 4(f) land and it is considered not to be feasible and prudent?	X	
3.	An alternative on new location avoiding the use of the 4(f) land has been evaluated and is considered not to be feasible and prudent?	X	

Measures to Minimize Harm		YES	NO
1.	The proposed action includes all possible planning to minimize harm?	X	
2.	Mitigation measures include one or more of the following: (Check applicable mitigation measures.)		
a.	Replacement of lands used with lands of reasonably equivalent usefulness and location, and of at least comparable value?		
b.	Replacement of facilities impacted by the project including sidewalks, paths, benches, lights, trees, and other facilities?	X	
c.	Restoration and landscaping of disturbed areas?	X	
d.	Special design features? (Briefly describe.)		
e.	Payment of the fair market value of the land and improvements taken?	X	
f.	Improvements to the remaining 4(f) site equal to the fair market value of the lands and improvements taken?		
g.	Other measures? (describe briefly)		

Coordination		YES	NO
1.	The proposed project has been coordinated with the Federal, State, and/or local officials having jurisdiction over the 4(f) lands?	X	
2.	In the case of non-Federal 4(f) lands, the official jurisdiction has been asked to identify any Federal encumbrances and there are none?	X	
3.	For bridge projects coordination with the U.S. Coast Guard has been completed (if applicable)?	N/A	

Determination and Approval:

Description/Location of Project:

Federal Project Number:

WISDOT ID: 2290-06-03

Route: STH 38

Termini: CTH K to Oakwood Road

County: Racine and Milwaukee (Section 4(f) resource is in Milwaukee County)

Name of Resource: Root River Parkway and Oak Leaf Trail

Based on the environmental documentation, the results of public and agency consultation and coordination as evidenced by the attachments to the Wisconsin Department of Transportation's attached letter, the FHWA has determined that:

The project meets all applicable criteria in the Nationwide Section 4(F) Evaluation and Approval for Federally-Aided Highway Projects with Minor Involvements with Public Parks, Recreation Lands, and Wildlife and Waterfowl Refuges approved December 23, 1986.

That alternatives set forth in the Findings section of the above Nationwide Section 4(f) Evaluation have been fully evaluated and are clearly applicable to this project. Based on those Findings, it is determined there is no feasible and prudent alternatives to the use of lands from the subject resource.

The project complies with the Measures to Minimize Harm Section of the above Nationwide Section 4(f) Evaluation and there are assurances that the measures to minimize harm will be incorporated in the project.

The coordination called for in the above Nationwide Section 4(f) Evaluation has been successfully completed.

Accordingly, the FHWA approves the proposed use of the subject lands under the above Nationwide Section 4(f) Evaluation issued on December 23, 1986.

Date Approved

Federal Highway Administration